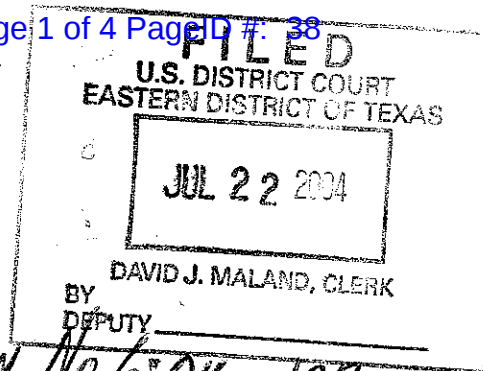


United States District Court
 Eastern District of Texas
 Tyler Division



AK-NABA

v.

CRAIN, ET AL

X

X

X

X

Civil Action No. 6:04-cv-127

Request For Joinder, Consolidation, Intervention, and Class-Certification

Come Now, AK-NABA, and UNDERSIGNED MUSLIMS, in Pro Se capacity, by and through a Jailhouse lawyer, and moves this Court for joinder, consolidation, intervention, and Class-Certification of the above cause with cause #6:04-cv-81, Gibb v. Crain, et al, and Kinte v. Stringfellow, et al, #9:03-cv-75, in the Lufkin Division. In support thereof they offer the following under penalty of perjury pursuant to 28 U.S.C. 1746:

1. Plaintiffs/Intervenors assert that the same set of facts, defendants, and claims (i.e. Equal Protection; claim pursuant to Tex. Civ. Proc. & Rem. Code, 10.003; Tex. Govt. Code, 493.024 & 76.013, and (RLUIPA) 42 U.S.C. 2000) are the basis of each lawsuit; and cause #6:04-cv-81 is being presided by the same Judges. Thus, the questions of law are common, joinder is superior to individual claims, and joinder will be the most efficient use of judicial resources to resolve these matters.

2. The Undersigned are Muslim Prisoners incarcerated in TDCJ-ID, located at the Coffield Unit, Rt. 1, Box 150, Tenn. Colony, TX 75884;

3. The Undersigned are being forced to be clean-shaven by threat of disciplinary action as stipulated under AD. 3.83;

4. Wearing the Beard is an important part of the Islamic Faith; and 1/2 inch Beards are allowed for Medical Reasons, and should be allowed for Religious;

5. The Undersigned have an interest in the outcome of these causes; and
 6. Plaintiffs/Intervenors assert that there are Thousands (1000) of Muslims in TDCJ, and therefore are so numerous as to make it impractical to bring them all before the Court. There are question of law and fact (i.e. Does the denial of a $\frac{1}{4}$ inch beard for religious reasons, while allowing a $\frac{1}{4}$ to $\frac{3}{4}$ inch beard for medical reasons violate the Equal Protection Clause.) (i.e. Is the clean-shaven policy the least restrictive means of furthering the State's compelling interest in security as demanded by Tex. Civ. Prac. & Rem. Code, 110.003), which are common to the entire class of persons represented herein, and the Plaintiffs' claims as set forth are typical of the claims of all the members of the class; Plaintiffs are qualified to, and will fairly, adequately, and justly protect the interest of each and all of the members of the class, by requesting pursuant to "THE ACT," that the United States Intervene as a party with the full rights of a plaintiff.

CONCLUSION

Each of the causes cited herein should be joined and/or consolidated as they are basically the same lawsuit. The Undersigned believe their interest can only be adequately protected by certifying this as a class-action and Appointing Counsel.

WHEREFORE, PREMISES CONSIDERED, Plaintiff and Intervenors request this Court to GRANT this motion in all respects.

Respectfully Requested,

1. ~~Fredrick D. Gooden~~ ^{AKA} ~~Fattah Mumin-al Naba~~
FREDRICK GOODEN #1013573
 o.k.a. MU'MIN AL-NABA
 Cottfield Unit - Rt. 1, Box 150
 Tenn. Colony, TX 75884

2. ~~Garrett G. G. G.~~ #1104016
GARRETT GIBB #1104016
 Cottfield Unit - Rt. 1, Box 150
 Tenn. Colony, TX 75884

CERTIFICATE OF SERVICE

We, The Undersigned, do hereby certify and declare that on this date July 16, 2004, pursuant to CAWDWELL v. AMEND, 30 F.3d 1199, 28 U.S.C. 1746, and under the penalty of perjury, that we have served the Defendants and Plaintiffs with the foregoing Request For Joinder, Consolidation, Intervention, and Class-Certification, by placing the Original in a sealed envelope, addressed to David J. Maland, Clerk - U.S. District Court - 211 W. Ferguson St. - Tyler, TX 75702, and by placing a copy of same in an envelope, addressed to the Texas Attorney General, postage on each pre-paid via Indigent-Mail, and placing in a U.S. Mail Depository.

1. Frederick B. Gordon, Father of Muhammad Nabila

2. Nawis Hicks #505393

3. Abdul Malik Komanghaka Hamid-Bey

4. Demetrius Hancock Bey #685322

5. Joseph Beas #1141587

6. James J. Coomer #275933

7. Billy Ray Bailey #582460

8. Darryl Lee #631037

9. Anthony Person #640516

10. Darrell Hill #1104016

11. JAMES CLARK #707355

12. LYRUS KING #521582

13. Paul Richardson #665450

14. Terry L. Bell #1090532

15. Robert Lee Smith #1169188

16. Macpherson #1136930

17. Patricia Johnson #594154

18. KENDRICK THOMAS #632819

19. Earl C. [unclear] - DONTÉ CASE #1070462

20. Baron C. Williams #132837

21. Abdul Mateen Shahid #563081

22. Robert L. Russell #1112220

23. Ahmad Buduz #1226204

24. Syrene Whitehead #659063

25. Alexander Shurman #583587

26. Darrell Reed #560978

27. Frederic Carter #846869

28. Thymothy [unclear]

29. [unclear]

30.

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COFFIELD UNIT - Rt. 1, Box 150 - TENN. COLONY, TX 75884

3. ~~10~~ Norris Hicks #505593
5. David C. White 732837
7. Joseph Brown 141587
9. KENNEDY THOMAS 638819
11. Billy Ray Bailey 582460
13. AHMAD QUNZ #1226204
15. Anthony Person #640516
17. JAMES CLARK #707355
- 19.
21. CYRUS KING #521582
23. Paul Richardson #665450
25. Terry L. Bell #1090532
27. Mac Jennings #1136930
29. Robert Lee Smith 1169188
31. Patrick Jackson #594154
- 33.
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- Abdul Malik Komundaka Hanit-Bey
4. Demetrius Hanit-Bey #685322
6. ~~Don't~~ CASEY #1070642
8. Abdul Mateen Shahid #563081
10. Robert Russell #112200
12. Lynne Whitehead #659063
14. Alexander Johnson #583587
- 16.
18. David Reed 560978
20. Fredrick Carter #846869
22. Rymmy Hughes
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